

*The NC State Board of Elections*

# 2010 General Election Judicial Voter Guide For the NC Supreme Court and Court of Appeals

## North Carolina Public Funding Program

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**Statements by candidates do not express or reflect the opinions of the State Board of Elections. Candidates' personal statements appear on pages 4-8**

*This Voter Guide is prepared and distributed by the State Board of Elections. It is largely paid for by funds from the \$3 check-off on the state income tax form for the N. C. Public Campaign Fund and by other donations. 4,000,000 copies of this publication were printed at a total cost of \$217,453 at 5.43 cents each.*

# KEY ELECTION DATES

Friday, September 3

- Absentee ballots are ready for General Election

Friday, October 8

- Voter registration forms must be postmarked or delivered in person by 5:00 p.m. for persons to be eligible to vote in the November 2, 2010 General Election. However, after this deadline you can still register to vote at One-Stop absentee voting locations.

Thursday, October 14

- One-Stop absentee voting begins for November 2 General Election. Individuals who miss the registration deadline, if qualified, may register in person and then vote at a one-stop voting site.

Tuesday, October 26

- Last day to request mail-in absentee ballots in writing (exception due to sickness or disability). See page 12 for details on how to vote absentee.

Saturday, October 30 at 1:00 pm (may be extended to 5:00 p.m. in some counties. Check with your county.)

- One-Stop absentee voting and registering ends.

Monday, November 1

- Mailed absentee ballots must be received in your county Board of Elections office by 5:00 p.m. or postmarked by day of the General Election and received by 5:00 p.m.
- Deadline to request absentee ballots for sickness/disability is 5:00 p.m. See page 12 for details on how to vote absentee.

Tuesday, November 2 (Polls open at 6:30 a.m. and close at 7:30 p.m.)

- General Election Day

## STATE BOARD MEMBERS

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Robert Cordle, Secretary  
Charles Winfree  
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Dep. Director, Administration  
Kimberly Westbrook Strach,  
Dep. Director, Campaign Finance  
Marc Burris, Information Services Director  
Don Wright, General Counsel

## SAMPLE BALLOTS

**Starting in early September, voters can view a sample of the entire ballot they are entitled to vote for the November 2, 2010 election. Visit the State Board of Elections' website at [www.ncsbe.gov](http://www.ncsbe.gov), click on the "Voter Registration" Quick Link, and then click "Check Your Registration". Enter your personal information and your voter registration information and a link to your sample ballot will appear.**

## FREQUENTLY ASKED QUESTIONS

**1. Why are there only candidates for the North Carolina Supreme Court and Court of Appeals in this voter guide?** The General Assembly authorized only candidates for the N.C. Supreme Court and the Court of Appeals to be placed in this Judicial Voter Guide. In years where the offices of Insurance Commissioner, Auditor, and Superintendent of Public Instruction are on the ballot, candidates for those offices are included as well. All these different offices have in common is that the State offers a form of public campaign financing for candidates in these election races and a Voter Guide to be produced for these candidates.

**2. Where can I learn more about the North Carolina Public Campaign Fund which provides funding for candidates for the North Carolina Supreme Court and Court of Appeals?** See Article 22D of Chapter 163 of the North Carolina General Statutes or contact the Campaign Finance Division of the North Carolina State Board of Elections at (919) 715-8407.

**3. I can't find the political party affiliation of the candidates listed in the voter guide.** All judges in North Carolina are elected on a non-partisan basis where they do not file or run as a nominee of a political party. They are not listed on the ballot with a party affiliation. Thus the candidates are presented in the voter guide in a non-partisan manner.

**4. Are we spending GENERAL FUND tax revenue to produce this voter guide?** No. Currently financial reserves in addition to \$3 taxpayer check offs on North Carolina personal income tax returns and a mandatory \$50 surcharge on the annual State Bar fees for attorneys are funding the program. See page 10 of the voter guide for more details.

## Contacting the State Board of Elections

**Website:** <http://www.ncsbe.gov>

**Mailing Address:** PO Box 27255, Raleigh, NC 27611-7255

**Physical Address:** 506 North Harrington St, Raleigh, NC 27603

We are open 8:00 a.m. - 5:00 p.m. Monday through Friday except legal state holidays.

**Phone:** (919) 733-7173 or (866) 522-4723

**Fax:**

*Administration - (919) 715-0135*

*Campaign Finance Reporting - (919) 715-8047*

**E-Mail:**

For questions pertaining to Voter Registrations and Election matters contact -  
**Elections & Voting - [elections.sboe@ncsbe.gov](mailto:elections.sboe@ncsbe.gov)**

For questions pertaining to Campaign matters contact -  
**Campaign Finance Reporting - [campaign.reporting@ncsbe.gov](mailto:campaign.reporting@ncsbe.gov)**

## Contacting Your County Board of Elections

Go to this link on the State Board of Elections website  
<http://www.ncsbe.gov>

Click on the "My Elections Board" Quick Link at the top of the page.

## N.C. SUPREME COURT (Brady Seat )

### ROBERT C. "BOB" HUNTER

**Place of residence:**

Marion, NC

**Education:** BA, JD, UNC-Chapel Hill

**Occupation:** Judge, NC Court of Appeals

**Employer:** NC

**Date Admitted to NC Bar:** 1969

**Legal/Judicial Experience:** NC Court of Appeals Judge; Hunter & Evans (Attorney, Co-Owner); McDowell County Attorney; Assistant DA; Chairman, NC House Judiciary Committee

**Personal Statement:** Judge Bob Hunter's **40-year career** has distinguished him as a **fair, experienced and independent** judge, committed to the rule of law and impartial administration of justice. Serving on the **Court of Appeals for twelve years**, he has **decided 3600 cases**. His level-headed Constitutional interpretations have been widely praised.

Judge Hunter's **mountain values and common-sense approach** have gained him support from citizens of all backgrounds and political affiliations. He is widely regarded as the most qualified candidate for Supreme Court. In his 2006 re-election to the Court of Appeals, Judge Hunter **carried 99/100 counties** with the help of supporters across NC.

Judge Hunter has been an attorney, prosecutor, legislator, victims' advocate and judge. He has **worked tirelessly to protect North Carolinians**. As Supreme Court Justice, Judge Hunter would be the **only Justice residing west of Greensboro/Charlotte**. Bob and his wife, Nancy, have two daughters. He is a Rotarian and a member/former trustee of his church. He enjoys golf, fishing, hunting, and NASCAR.

**"I would be honored to have your support and serve you on the Supreme Court."**

**Endorsements**

Police Benevolent Association; NC Troopers Association; NC Association of Women Attorneys; NC Association of Educators; NC Advocates for Justice; NC Association of Defense Attorneys; Former Chief Justices Henry Frye, Burley Mitchell, Jim Exum; Former Governor Jim Hunt; More Endorsements: [www.JudgeBobHunter.org](http://www.JudgeBobHunter.org)

### BARBARA JACKSON

**Place of residence:**

Raleigh

**Education:** UNC-Chapel Hill (J.D. 1990; B.A. 1984); Meredith College Legal Assistants Program (1986).

**Occupation:** Judge

**Employer:** NC Court of Appeals

**Date admitted to the bar:** 1990

**Legal/judicial experience:** Judge, NC Court of Appeals 2005-present; General Counsel, NC Department of Labor 2001-2004; Associate, Holt York McDarris, LLP, 1997-2000; Deputy General Counsel, GACPD, 1992-1996; Associate General Counsel to Governor Jim Martin, 1991-1992; Clerk to Former Chief Justice Burley Mitchell, NC Supreme Court, 1990-1991; Former Chair, Administrative Law Section, NC Bar Association; Former Board Member, Wake County Bar Association; NC Dispute Resolution Commission.

**Candidate Statement:**

Twenty years ago, I began my legal career clerking for Supreme Court Justice Burley B. Mitchell, Jr. My experience led me down the path of service to the people of NC and I'm proud of my record as a Judge on the Court of Appeals. My oath of office is to serve as guardian of NC's Constitution. As a Supreme Court Justice, I will execute the duties of the office faithfully through careful, impartial deliberation combined with a sincere respect for the limitations provided within the Constitution. Having put these principles into practice as a Judge, I have gained a reputation as a fair, thoughtful jurist who has the utmost respect for the rule of law.

I believe that my legal and judicial experience reflect a long and varied record of service to NC that has prepared me to serve on NC's highest Court. To learn more about my campaign, please visit my website, [www.judgebarbarajackson.com](http://www.judgebarbarajackson.com). Thank you and I hope to have your support on November 2nd.

## N.C. COURT OF APPEALS (Calabria Seat)

### ANN MARIE CALABRIA

**Place of residence:**  
Morrisville, NC

**Education:**

While my husband, Col. (Ret.) Robert Calabria served in the U.S. Army at Fort Bragg, I attended Campbell University, School of Law, J.D., 1983. Undergraduate: Fairleigh Dickinson University, *Summa Cum Laude*, B.A. History, 1977; University of Pennsylvania, School of Dental Medicine, Certificate of Proficiency in Dental Hygiene, 1967.

**Occupation:**

NC Court of Appeals, Judge and Mediator

**Employer:** State of North Carolina

**Date admitted to the bar:** 1988

**Legal/Judicial Experience:**

NC Court of Appeals Judge and Mediator, 2003-present; District Court and Certified Juvenile Court Judge, 10th Judicial District (Wake County), 1996-2002; Private Practice: Cary, 1991-1996; Fayetteville, 1988-1989; Associate, Hutchens & Waple, Attorneys at Law, 1990-1991; United States Department of Housing and Urban Development, 1989-1990; University of Maryland, Overseas Division, Heidelberg, Germany, 1986-1987; Member and former Vice President, NC Bar Association.

**Statement:**

It has been my privilege to practice law and serve as a judge and mediator on the NC Court of Appeals, in District Court and Juvenile Court for nearly 22 years. As a judge, I have handled over 2,000 appellate cases and over 50,000 District Court civil, criminal and juvenile cases. I consistently uphold our Constitution and faithfully interpret the laws. I believe the U.S. and N.C. Constitutions establish federal and state governments of limited powers. I believe our Founders intended to guarantee freedom, property rights, and individual rights. I believe in judicial restraint, not judicial activism. I would be honored by your vote. Please visit my website for more information [www.judgecalabria.com](http://www.judgecalabria.com).



### JANE GRAY

**Place of residence:**  
Raleigh, North Carolina

**Education:** J.D., Campbell University School of Law, 1979, B.A., University of Florida, 1972

**Occupation:** District Court Judge

**Employer:** State of North Carolina

**Date admitted to the Bar:** 1979

**Legal/Judicial Experience:** Judge, Wake County District Court, 2002-present; Certified Juvenile Court Judge; General Counsel, Office of the Speaker, 1999-2001; NC Attorney General's Office 1980-1998; NC Judicial Council 1999-2007 (Chief Justice appointee); NC Courts Commission 2008-present (Chief Justice appointee); Vice President, NC Bar Association 2007-2008; President of the Wake County Bar Association, 2001; NC State Bar Board of Continuing Legal Education, 1996-2003; highest rating (AV) from Martindale-Hubbell national legal directory.

**Personal Statement (by Candidate):** My eight years as a judge, 19 years with the Attorney General's Office briefing and arguing civil and criminal appeals, and three years working at the General Assembly, uniquely prepare me for the Court of Appeals.

I believe in the rule of law as decisions cannot be based on political considerations or popular opinion. You have my commitment to work hard and ensure every party is treated fairly, impartially and with respect.

My endorsements include former appellate judges, lawyer organizations, teachers, law enforcement, citizens' groups, and several major newspaper editorial boards. I believe these endorsements affirm my reputation as a fair, impartial and hardworking judge and demonstrate the respect with which I am held in the community.

It would be an honor to serve this state as a Judge of the Court of Appeals and I would appreciate your vote. Please learn more at [www.judgejanegray.com](http://www.judgejanegray.com).



## N.C. COURT OF APPEALS (Elmore Seat)

### RICK ELMORE

**Place of residence:**  
Raleigh, Wake County

**Education:** North Carolina Central University School of Law, J.D. (1982); Guilford College, B.S. (1974)

**Occupation:** Appellate Judge

**Employer:** North Carolina Court of Appeals

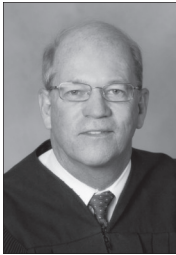
**Date admitted to the Bar:** 1982

**Legal/Judicial Experience:** Judge, North Carolina Court of Appeals 2003-present; General Practice of Law, Greensboro, 1983-2003; Admitted to all N.C. State Courts, Federal District Courts, and Fourth Circuit U.S. Court of Appeals; NCBA Appellate Rules Committee, North Carolina Sentencing Commission; Greensboro and Raleigh Bar Associations.

**Candidate Statement:** I was elected to the North Carolina Court of Appeals in 2002 and it has been a privilege and an honor to serve my fellow North Carolinians there since. During the past 8 years, I have written over 700 opinions and decided over 2,000 cases. The 20 years I spent practicing law in my hometown of Greensboro handling cases ranging from traffic tickets to capital murder have proved invaluable in preparing me for this position.

An appellate court is no place for judicial activism. I have a reputation as a fair, courteous, and diligent judge who closely adheres to the rule of law. I have written opinions that uphold the law and Constitution of North Carolina, even when it conflicts with my personal views. It is for this reason that I have been endorsed by four former Chief Justices of the Supreme Court of North Carolina.

Experience counts. The Court of Appeals is not an entry level position. Please visit my website to learn more about my candidacy and campaign: [www.judgeelmore.com](http://www.judgeelmore.com). I would greatly appreciate your vote.



### STEVEN WALKER

**Place of residence:**  
Selma, North Carolina

**Education:** Campbell University School of Law, J.D., summa cum laude (2005), Clemson University, B.A., History, cum laude (2002).

**Occupation:** Judicial Clerk, Chambers of the Honorable Justice Edward Thomas Brady, Supreme Court of North Carolina

**Employer:** State of North Carolina

**Date admitted to the Bar:** 2005

**Legal/Judicial Experience:** 2005-2010 —Law Clerk in the Chambers of the Honorable Justice Edward Thomas Brady of the Supreme Court of North Carolina.

#### Candidate Statement:

As a child growing up in North Carolina, I was taught the values of family, faith, integrity, and community. I still hold to these values today. My judicial philosophy is simple. Judges are to interpret the laws as written by the legislature. The Constitution means what it actually says, not what a judge may wish it says. Those who have been fairly and constitutionally convicted of a crime should serve their sentences, not have their convictions overturned by a judge's extra-constitutional imagination. I am a conservative who understands the value of following the law as written.

For the last five years I have had the honor of serving North Carolina as a judicial clerk in the chambers of Justice Brady of the Supreme Court of North Carolina. I have read and researched the opinions of the Court of Appeals on an almost daily basis, making recommendations to Justice Brady and assisting him in the consideration of over 700 appellate cases. This experience has uniquely qualified me to sit on the Court of Appeals.

Please visit [www.walkerforcoa.com](http://www.walkerforcoa.com) for more information, and I hope to have your vote in November!





## N.C. COURT OF APPEALS (Geer Seat)

### MARTHA GEER

**Place of residence:**  
Raleigh, North Carolina

**Education:** J.D., UNC School of Law, 1983; B.A., Bryn Mawr College, 1980

**Occupation:** Court of Appeals Judge

**Employer:** State of North Carolina

**Date admitted to the Bar:** 1984 (N.Y.), 1987 (N.C.)

**Legal/Judicial Experience:** Judge, N.C. Court of Appeals, 2003-present; Outstanding Appellate Judge Award, N.C. Advocates for Justice, 2005; Dybwad Humanitarian Award, American Association on Mental Retardation, 2004; Named one of Top 200 Lawyers in N.C. by Business North Carolina, 2002, 2003; Included in *Best Lawyers in America*, 2002; Founding Partner, Patterson, Harkavy & Lawrence, LLP, 1991-2002.

**Personal Statement** (by Candidate): Throughout my career, I have strived to bring to my work enthusiasm and a dedication to quality, both during my years as a civil and business litigator and now on the Court of Appeals. Since my election in 2002, I have participated in deciding more than 2,000 appeals. I am committed to taking the time to fully understand the details of each appeal before writing a quality, impartial decision.

I have received the endorsements, among others, of former Chief Justices Henry Frye, Burley Mitchell, and James Exum, former Chief Judge Sidney S. Eagles, Jr., the Police Benevolent Association, the N.C. Troopers Association, the N.C. Association of Educators, and the N.C. Association of Women Attorneys.

Because of my background, I am one of only a few appellate judges in North Carolina who has the knowledge and experience to handle not only appeals deciding individual citizens' rights, but also appeals addressing complex disputes involving businesses critical to our state's economy. I ask for your support and your vote. Please learn more at [www.judgemarthageer.com](http://www.judgemarthageer.com).



### DEAN R. POIRIER

**Place of residence:**  
Mount Olive, NC

**Education:** University of North Carolina School of Law, J.D., May, 1993; Fairleigh Dickinson University, M.A., International Studies, May, 1981; Bridgewater State College, B.S., Political Science, May, 1979.

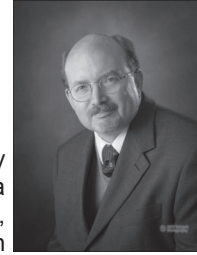
**Occupation:** Appeals Referee and Adjunct Professor of Law.

**Employers:** Appeals Referee, N.C. Employment Security Commission; Adjunct Professor of Law, Mount Olive College, North Carolina Wesleyan College, Kaplan University and Liberty University.

**Date admitted to the bar:** North Carolina, 1993, U.S. District Court, Eastern District of North Carolina, 1993.

**Legal/judicial experience:** Adjunct Instructor of Law, Appeals Referee, Attorney, Solo Practitioner, Attorney, Law Offices of Ann Marie Calabria; Legal Research Consultant/Trainer, Lawyers Cooperative Publishing/West Publishing.

**Candidate statement.** I am a Christian, Constitutional, Conservative. I believe in exercising careful, common sense judgment from the bench. I believe that the essential role of a judge is to render a just and impartial decision, based on the facts and the law. I believe in "judicial humility" as opposed to "judicial arrogance". I believe in "judicial restraint" as opposed to "judicial activism". Judges have no popular mandate to act as policy makers. I believe in the rule of law, not the rule of judges. As an Appeals Referee I have held over 13,000 case hearings and rendered as many legal decisions, ever conscious of the fact that my decisions affect the lives and welfare of those who appear before me. I appreciate your consideration of my candidacy for the North Carolina Court of Appeals and I invite you to learn more about my background, my experience and my judicial philosophy by visiting my campaign website at [Poirier4justice.com](http://Poirier4justice.com).



## N.C. COURT OF APPEALS (Steelman Seat)

**SANFORD L.  
STEELMAN, JR  
(UNOPPOSED)**



**Place of residence:**  
Weddington, Union  
County

**Education:**  
A.B. Davidson College (cum laude) 1973,  
J.D. University of North Carolina at Chapel  
Hill 1976.

**Occupation:** Judge, North Carolina Court  
of Appeals.

**Employer:** The people of North Carolina.

**Date admitted to the bar:** 1976

**Legal/judicial experience:** Judge, North  
Carolina Court of Appeals 2002-present;  
Resident Superior Court Judge, District  
20-B (Stanly and Union Counties)  
1994-2002; Attorney, Monroe, NC  
1976-1994; Union County Attorney  
1991-1994; Village of Marvin Attorney  
1994; Chair, North Carolina Dispute Reso-  
lution Commission 2004-2008; Instructor,  
North Carolina Judicial College, 2008,  
2010; Vice-President, North Carolina Bar  
Association 2010-2011.

**Candidate Statement:** It has been an  
honor to serve the people of North Caro-  
lina for the past 25 years as a judge and  
as mayor *pro tempore* of the Town of  
Weddington. I pledge to each of you that I  
will discharge my duties as a Court of  
Appeals Judge fairly, impartially, and  
without favoritism to any person, party,  
corporation or organization. I will continue  
to uphold the Constitutions of the United  
States and North Carolina. The conserva-  
tive values learned as an Eagle Scout and  
as a lifelong Baptist will continue to be my  
guides. I am humbled that members of  
both major political parties felt that I  
should run without opposition in this fall's  
general election, and look forward to  
continuing to serve this great State where  
my family has resided for 8 generations.

### REGISTRATION DEADLINES

For the November 2

General Election

Register in-person or by mail

No later than October 8, 2010

**OR**

Register At

One-Stop Absentee

Voting Sites

October 14—October 30, 2010

### WHAT IS THE \$3 CHECK-OFF?

When you fill out your state income  
tax form, you can check a box for  
the N.C. Public Campaign Fund. If  
you check Yes, \$3 will go to the  
Fund. (Checking Yes does not  
change a person's tax bill or refund;  
it just allocates \$3 of taxes being  
paid to the Fund.) The "check-off" is  
the major source of revenue for the  
Public Campaign Fund and for this  
Voter Guide. Other sources include:

- a surcharge on attorneys' State  
Bar dues,
- money returned to the Fund  
from candidates,
- donations made to the Fund.

[www.judgesteelman.org](http://www.judgesteelman.org)



## 10 WAYS YOUR RIGHT TO VOTE IS PROTECTED

- 1. HOURS.** Each polling place is open between 6:30 a.m. and 7:30 p.m. on Election Day. If you are in line by 7:30 p.m., your right to vote is protected; you will be allowed to vote. It's the law: See NCGS 163-166.01
- 2. ASSISTANCE.** You have the right to receive assistance from a family member or, if you have difficulty reading or have a disability that impairs your ability to vote, you have the right to assistance from any person of your choice, except from your employer or union agent. You can also receive ballot instructions in Spanish. NCGS 163-166.8 and 168-165-5A
- 3. PROVISIONAL BALLOT.** If any problem arises, you have a right to vote with a provisional ballot. For example, ask for a provisional ballot if you believe you have registered but your name is not on the rolls; or if you question the voting district (or ballot) assigned to you; or if you are told that you are in the wrong precinct. You must also be given a way to find out if the provisional ballot was counted, and if not, the reason it was not counted. NCGS 163-166.11
- 4. IDENTIFICATION.** In general, you do not have to show identification to poll workers when you vote. NCGS 163-82.8. A voter's identification is cross-checked with NC Driver License and SSA information when they register. However, if you are a first-time voter whose identification data did not match, you will be notified by mail of required identification that you will need to present before voting for the first time. Acceptable ID includes a current NC driver license or other government issued photo ID, or one of these documents with your name and current address: utility bill (electric, gas, phone, water, cable bill), pay-stub/W-2, bank statement, or any document from any government agency. NCGS 163-166.12
- 5. IF YOU HAVE MOVED.** If you have moved from one place to another within the same county and have not updated your registration, you can update your registration and vote at an Early Voting One-Stop site in your county. Specific rules apply if you wait until Election Day: If you have lived in your new location more than 30 days, you have the right to vote in your new precinct or at a central location. If you have moved, but have lived in your new location less than 30 days, you must vote in your old precinct or cast a provisional ballot in your new precinct. If you have moved within your precinct, you have the right to update your information at the polls and vote. NCGS 163-82.15
- 6. NAME CHANGE.** If your name has changed since you registered to vote, you have the right to vote, even if you have not reported your name change to election officials. NCGS 163-82.16
- 7. SPOILED BALLOT.** If you make a mistake and "spoil" your ballot, you have a right to a new ballot. You can spoil up to three (3) ballots. 8 NCAC 10B.0104b
- 8. CURBSIDE VOTING.** If the polling place is inaccessible to you due to a disability, you have a right to vote at the curb, in the vehicle you came in, or at the door of the polling place. NCGS 163-166.9
- 9. EX-OFFENDERS & MISDEMEANANTS.** You have a right to register and vote if you are in jail for a misdemeanor. If you were convicted of a felony in any state, you have the right to register and vote in North Carolina if you have completed your sentence including any parole and probation. Your citizenship rights are restored automatically upon your discharge as a felon and you do not need a separate document to register. You must re-register again after the discharge. NCGS 13-1
- 10. INTIMIDATION.** You have a right to vote without being intimidated or forced to vote for anyone you don't wish to vote for. NCGS 163-271

# N.C. PUBLIC FINANCING PROGRAM

Candidates for the N.C. Court of Appeals and the N.C. Supreme Court can access public financing for their campaigns.

## WHAT DOES THE LAW DO?

Candidates may receive public funding if they voluntarily:

- demonstrate public support by raising a set number of relatively small donations from registered voters,
- accept strict fundraising limits, and
- accept strict spending limits.

If they qualify, candidates stop regular fundraising activities for the general election and use only money provided to them from the Fund. The decision to enroll in this program is purely optional. Candidates can also receive a limited amount of “matching funds” if a nonparticipating opponent or group making independent expenditures in opposition to a publicly-funded candidate exceeds the amount of funding given to the publicly-funded candidate.

## WHAT ARE THE APPELLATE COURTS?

Appellate courts hear appeals regarding the decisions made in another court.

The N.C. Court of Appeals hears appeals of all kinds of decisions of the state Superior and District Courts (the trial courts), from divorce and family cases to business and tax cases. It also hears appeals from state administrative agencies. There are no juries in the Court of Appeals. The 15 judges sit in rotating panels of three, considering errors in legal procedures or in judicial interpretation of the law. If a vote is 2-1, the losing party has an automatic right to appeal the decision to the N.C. Supreme Court.

The N.C. Supreme Court is the state’s highest court. It hears appeals of cases from the Court of Appeals and of cases in which the death penalty has been imposed. There is no further appeal in North Carolina of its decisions, but in limited instances involving federal law, the U.S. Supreme Court may consider appeals from the North Carolina court.

Like the Court of Appeals, the N.C. Supreme Court has no jury. Its chief justice and six associate justices hear all cases

together, as one sitting court. They consider errors in legal procedures or in interpretation of the law by a lower court.

## HOW IS THE PROGRAM FUNDED?

The North Carolina Public Campaign Fund is not funded by the General Fund of North Carolina. In addition to distributions to qualified candidates, all expenses for the program’s implementation, including staff and voter guide production and distribution, are paid by the Public Campaign Fund.

There are six sources that provide revenue to the Fund:

- The **first source** deposited into the Fund was the balance of the North Carolina Candidates Fund. This fund is no longer operational.
- The **second source** is designations made to the Public Campaign Fund by taxpayers. This is achieved through a positive check-off of three dollars on an individual’s income tax form.
- The **third source** is from attorneys paying a \$50 surcharge at the time of paying their annual dues to the N.C. State Bar. This surcharge is mandatory.
- The **fourth source** is from Fund revenues that were distributed to candidates but were not spent or committed at the time a candidate is no longer considered a certified candidate. These funds are required to be returned by the candidate.
- The **fifth source** would be from any funds ordered to be returned to the Fund as a result of a violation by a “participating candidate” in the Program.
- The **sixth source** is from any voluntary donation made directly to the Public Campaign Financing Fund. Any corporation, business entity, labor union, or professional association may voluntarily make a donation of any amount to this Fund.

# HOW CAN CANDIDATES SPEND PUBLIC FUNDS?

All candidates in North Carolina must limit their expenditures to purposes permitted under the law. Permitted purposes are:

- Expenditures resulting from the campaign for public office by the candidate or candidate's campaign committee.
- Expenditures resulting from holding public office.

**NOTE:** The general rule for determining whether an expenditure is for either of the above purposes is to determine if the expenditure would have been made absent of the campaign for, or holding, public office. If so, then the expenditure should not be made. If the expenditure would only be made because the candidate is holding or running for office, then the expenditure would be permitted.

- Contributions to an organization described in section 170(c) of the Internal Revenue Code, provided that the candidate, the candidate's spouse, children, parents, brothers, or sisters are not employed by the organization.
- Contributions to a national, State, or district or county committee of a political party or a caucus of the political party.
- Contributions to another candidate or candidate's campaign committee.
- Refunds of all or a portion of a contribution to the contributor.
- Payments of any penalties against the candidate or candidate's campaign committee for violation of this Article imposed by the Board of Elections or a court of competent jurisdiction.
- Payments to the Escheat Fund established by Chapter 116B of the General Statutes.
- Legal Expense Donation not in excess of four thousand dollars per calendar year to a legal expense fund established pursuant to Article 22M of Chapter 163 of the General Statutes.

Candidates participating in public funding follow stricter guidelines. In addition to the limits listed above, candidates participating in public funding voluntarily agree to limit their expenditures according to guidelines set by the Advisory Council and the State Board of Elections. Nonparticipating candidates are not limited to the expenditure guidelines. However, these candidates are still limited to the expenditure purposes listed above.

## EXPENDITURES ALLOWED UNDER PUBLIC FUNDING PROGRAMS:

- Advertisement expenditures including all "print media"
- Campaign headquarters expenses including lease and utilities
- Office supplies for administration of current campaign
- Campaign staff expenses including salaries and food for staff and/or volunteers
- Travel expenses for candidate and staff including mileage, lodging and reimbursement for campaign events and appearances
- Consulting services, accounting services, clerical services, polling and other campaign advisory services
- Candidate may jointly pay for media expenses as long as each candidate pays an equal amount so that no candidate receives an in-kind contribution
- Purchase of tickets to attend events for the purpose of campaigning, the cost of which are reasonably related to the benefits received. (*An expense of \$200 or less is presumed reasonable.*)
- Any expenses incurred by the candidate for fundraising activities for the current campaign

## EXPENDITURES PROHIBITED UNDER PUBLIC FUNDING PROGRAMS:

- Expenditures to any political party or political committee, except as provided by these guidelines
- Independent Expenditures
- Loans not associated with the current candidacy
- Any gift to another that is not given for a campaign-related purpose
- A capital asset that is not used to promote the current candidacy
- Any civil penalty or costs incurred as a result of civil penalties assessed against the candidate or committee

For a list of candidates participating in public financing programs, see the State Board of Elections' website at [www.sboe.state.nc.us](http://www.sboe.state.nc.us)

## HOW TO VOTE: Are You a Registered Voter in N.C.?

# YES

If you say YES,  
here's how to vote

### THREE WAYS TO VOTE IN N.C.

#### 1. IN PERSON, ON ELECTION DAY

At your assigned polling place, you will be asked to state your name and address and sign the pollbook before you vote. The polls open at 6:30 a.m. and close at 7:30 p.m. If you are in the line by 7:30 p.m., you will still be able to vote.

#### 2. IN PERSON, BEFORE ELECTION DAY

From October 14 to October 30, you can register and vote at a site in your county where you can request and cast a "One-Stop absentee ballot." You do not need an excuse for voting early. Every county has at least one site for One-Stop absentee voting; some have sites open beyond normal business hours. On Saturday, October 30, One-Stop voting ends at 1:00 p.m., although some sites may opt to end voting at 5:00 p.m. To find out where and when One-Stop absentee voting is available, contact your county board of elections.

#### 3. BY MAIL-IN ABSENTEE BALLOT

No later than 5:00 p.m. on October 26, you can request a no excuse mail-in absentee ballot. The request must be written and signed by you or a near relative (a near relative is a spouse, brother, sister, child, parent, grandparent, grandchild, stepparent, stepchild, or mother-, father-, daughter-, or son-in-law), or be on a form provided to you by your county board of elections. A voter or qualified near relative may ask for the absentee ballot request form by emailing or faxing their county board of elections. A request for an absentee ballot in an election should include: Your name,

#### 3. CONTINUED

date of birth, residence address, address to which the absentee ballot should be mailed, and if the request is by a near relative, the near relative's contact information and relationship to you. Once a valid request is received, the county board of elections will mail a ballot directly to the voter. The voted ballot must be returned by the voter no later than the Monday, November 1, 2010. If you mail your voted ballot, it may still be considered timely if the return envelope is postmarked by November 2, 2010 and the ballot is received no later than 5:00 p.m. on November 5, 2010; however, it is best to return your ballot by November 1.

#### YOU MAY REGISTER TO VOTE IN NORTH CAROLINA IF YOU ARE:

- a United States citizen;
- 18 years old or older, or will be at the time of the next general election, or be at least 16 years old and understand that you must be at least 18 years old on election day of the general election in order to vote;
- a resident of North Carolina and the county precinct where you want to vote for at least 30 days before the election;
- not a convicted felon still in custody, on probation, or on parole. If you have served all parts of your sentence, you can register. Contact your local board of elections for more details.

## HOW TO VOTE: Are You a Registered Voter in N.C.?

If you say NO,  
here's how to register

NO

### SIX WAYS TO REGISTER TO VOTE

#### 1. IN PERSON, AT A COUNTY BOARD OF ELECTIONS OFFICE

You can find the address for your county election office on the State Board of Elections' website, [www.ncsbe.gov](http://www.ncsbe.gov) or call (toll free) 866-522-4723. The county staff can help you with the registration form and answer your questions.

#### 2. IN PERSON, AT ONE-STOP ABSENTEE VOTING SITES

Individuals who miss the registration deadline, if qualified, may register in person and then vote at a one-stop voting site. These sites will be open from October 14 until October 30. Check with your local county board of elections for locations and hours of operation.

#### 3. IN PERSON, AT MANY GOVERNMENT OFFICES

You can get a registration form at Driver License offices, Employment Security Commission offices, and most Social Service agencies. The agency will submit the completed form to the county board of elections. Many libraries and institutions of higher education have forms as well.

#### 4. IN PERSON, DURING A VOTER REGISTRATION DRIVE

Many civic groups and political parties set up tables at businesses or conduct registration drives to register people to vote. They typically submit the form for you; if not, mail it to the county board of elections yourself.

#### 5. BY MAIL

You can fill out and mail in your registration form. You can get a form from your county board of elections,

or print it from the State Board of Elections' website at [www.ncsbe.gov](http://www.ncsbe.gov). See the website for a listing of county board addresses.

#### 6. INFORMATION ON PRE-REGISTRATION

A person who is at least 16 years of age but will not be 18 years of age by the date of the next election and who is otherwise qualified to register may preregister to vote. A preregistered citizen shall be automatically registered upon reaching the age of eligibility following verification of the person's qualifications and address. A preregistrant can use the current voter registration form which will be held and processed for the first primary and election in which the new voter will be qualified to vote. It will be important for a preregistrant to complete a new preregistration form if he or she has changed residence since the first preregistration. For more information on the preregistration process, check with your county board of elections.

#### RULES ABOUT REGISTERING

You must provide your North Carolina driver license number if you have one. If not, provide the last four digits of your Social Security Number on the registration form. If you do not have either of these, then you may include with the form a copy of identification that shows your name and address. Check with your county board of elections as to what is acceptable ID.

## FAIL-SAFE VOTING: THE PROVISIONAL BALLOT

If you think you are a registered voter but your name does not appear on the county's official list of registered voters, you are entitled to cast a provisional ballot. You may also vote using a provisional ballot if you are asked for identification at the polls but do not have a photo ID or other document with you. Remember to:

- Fill out the statement on the envelope that comes with the provisional ballot.
- Once you vote, place your ballot in the provisional ballot envelope and return the sealed envelope to the election official.
- Check to see if your provisional ballot was counted and if not, the reason it was not counted. The county board of elections will determine your eligibility to vote through research into records and will count all the ballot items for which you are eligible to vote. At the time you vote, you will be provided information on how to check the status of your provisional ballot.
- If you voted a provisional ballot because you did not have valid ID at the polls, you have until 5:00 p.m. on November 11 (the day before Canvass Day) to provide acceptable ID to the county board of elections office.

## WHAT ARE YOUR RIGHTS AND RESPONSIBILITIES AS A REGISTERED VOTER IN NORTH CAROLINA?

### RIGHTS

If you properly register, you have the right to vote:

- Without being intimidated, coerced or threatened by any person.
- In an accessible polling place.
- By provisional ballot if your name does not appear on the official list of registered voters of the precinct.
- With the assistance that you request, as authorized by N.C. law.
- Without discrimination related to disability, race, ethnicity, or literacy.
- Even if you were convicted of a misdemeanor or, in the case of a felony conviction, if you have served all parts of your sentence.
- By a challenged ballot, if your eligibility to vote is challenged and sustained.
- With assurance that you will be treated with respect and your vote will be counted. If you make a mistake ("spoiled ballot"), you have a right to a replacement ballot.

### RESPONSIBILITIES

As a voter, it is your responsibility to:

- Register to vote no less than 25 days prior to Election Day OR
- Register during One-Stop Absentee voting. One-Stop Absentee voting begins on the third Thursday before the primary or general election, and ends the Saturday before the primary or general election.
- Notify the county board of elections of any change in your name or address.
- Respect the privacy and voting rights of others.
- Immediately report any problems with equipment, violations of civil rights, or other illegal activities to the proper officials.
- Review the ballot for accuracy before casting.
- Treat all election officials and voters with courtesy and respect.
- Follow the voting procedures set by state and local election boards.

Polls open at 6:30 a.m. and close at 7:30 p.m.  
If you are in line at 7:30 p.m., you will get to vote.



# VOTING ACCESSIBILITY

## POLLING PLACES

Polling sites are required to be accessible. Precincts must provide access on a permanent or temporary basis on Election Day. Other voting options are available for persons with disabilities, but are not substitutes to an accessible voting location. The North Carolina State Board of Elections has:

- Surveyed and photographed every North Carolina polling place as to accessibility needs.
- Made grants to county boards of elections to improve accessibility based upon these surveys.
- Posted digital pictures on its website of every polling place's pathways, interior, and exterior. Voters can access these photos at [www.ncsbe.gov/VoterLookup.aspx](http://www.ncsbe.gov/VoterLookup.aspx) and entering "show me my Voter Information".

## VOTER ASSISTANCE

A voter's close family members are allowed to help the voter enter the voting booth, vote the ballot and exit the voting booth.

A voter in any of the following four categories is entitled to assistance from a person of the voter's choice if the voter:

- is unable to enter the voting booth without assistance due to a physical disability;
- is unable to mark a ballot without assistance due to a physical disability;
- Is unable to mark a ballot without assistance due to illiteracy; or
- is unable to enter the voting booth or mark a ballot without assistance due to blindness.

Assistance cannot be provided by the voter's employer, an agent of that employer, or an officer or agent of the voter's union.

## CURBSIDE VOTING (only for aged and disabled voters)

Curbside voting is offered at each polling location. An aged or disabled voter can vote while in a vehicle outside the polling location. This includes all one-stop absentee (early) voting sites. A curbside voter has the same rights to assistance as any other voter.

## MAIL-IN ABSENTEE VOTING

Voting a mail-in absentee ballot at home is another option used by voters regardless of disability.

## VOTING EQUIPMENT

Both federal law and state requirements mandate that voting systems be equipped for voters with disabilities, which allows such voters to have the same opportunity for access and participation as non-disabled voters have. It is required that every precinct must have at least one accessible voting machine available for use by voters with special needs. This includes all one-stop absentee (early voting) sites.

Direct Record Electronic (DRE) touch-screen voting machines offer audio cue capacity for the visually impaired that allows the machine to mark the electronic ballot based upon the voter's instructions. The DRE machine will also produce an oral report to the voter as to the choices selected prior to the voter casting the ballot.

Optical Scan voting systems where marked paper ballots are submitted into a tabulator by the voter can use paper ballots marked for the voter by AutoMark marking devices that also use audio cue capacity for the visually impaired. The AutoMark also has a feature that will greatly magnify the ballot for voters that have limited visual impairment. In addition, the AutoMark will produce an oral report to the voter as to the choices selected prior to the voter casting the ballot.

The North Carolina State Board of Elections is committed to making voting accessible for all voters. Please let us know how we can improve accessibility.

**FOR ACCESSIBILITY  
QUESTIONS**  
call the  
**State Board of Elections**  
at  
**(866) 522-4723 (toll free)**  
or  
e-mail us at  
**[elections.sboe@ncsbe.gov](mailto:elections.sboe@ncsbe.gov)**

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